THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18579 of 2005

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Dated 23.08.2005

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Between:

1. K.B. Rajendran,

S/o late K. Bala Subrahmanyam Chetty

and four others. ..Petitioners.

AND

1. State of A.P.,

represented by its District Collector,

Nellore District and two others.

…Respondents

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WRIT PETITION NO : 18579 of 2005

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ORDER:

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This writ petition is filed seeking a direction, in the nature of writ of mandamus, declaring the Endorsement bearing Rc.B.325/2005 dated 06-06-2005 as arbitrary and consequently to issue a direction to the respondents herein to conduct survey and fix up boundaries by putting up survey stones for an extent of

Ac.2.18 cents in Rs.No.972, 973/2/1 and 974 of Kovur Village in Nellore District as per the registered documents of the petitioners.

It is the case of the writ petitioners that the petitioners mother Smt Late K. Sampoornamma, purchased an extent of Ac.2-18 cents of agricultural land in Survey Nos. 972/1, 973/2/1 and 974 in Kovur Village under different registered documents and she was in peaceful possession and enjoyment of the said lands by paying tax and cists to the Government from time to time. After her demise, the petitioners succeeded to the property in question. The mother of the petitioners during her lifetime as well as the petitioners made several representations to the respondents No.1 and 2 for fixing up boundaries, but the respondents did not take any steps. But, the 2nd respondent made an endorsement dated 6.6.2005 on the representations dated 11.4.2005 and 7.5.2005 to attend the office on 17-06-2005 at 11.00 a.m. and the endorsement contains the glaring mistake in computation of the extent of land. It is further submitted that the petitioners issued a legal notice dated 03-08-2005 to the respondents to correct the mistake, but till date no reply was issued. Hence, the writ petition.

Heard the learned Counsel for the petitioners as well as the learned Government Pleader for Revenue and perused the material available on record.

According to the petitioners, they succeeded to the landed property of their mother admeasuring Ac.2.18 cents of land whereas the authorities pointed out that the extent of their land is only Ac.2.10 cents. The dispute in question comes under the purview of civil in nature as the declaration of title in respect of the extent of land is involved. However, this is not a dispute between the private parties. Before making such an endorsement by the authorities that the extent of the petitioners is only Ac.2.10 cents, an opportunity ought to have been given to the petitioners for production of documents, if any to prove their extent.

In this view of the matter, without expressing any opinion on the merits of the case, I deem it appropriate to direct the petitioners to file their representation before

respondents 1 and 2 within a period of two (2) Weeks from the date of receipt of a copy of this order. On receipt of such a representation, respondents-1 and 2 are directed to pass appropriate orders in accordance with law after affording an opportunity to the petitioners, within a period of 8 (eight) Weeks.

Subject to the above directions, the writ petition is disposed of at the admission stage. No costs.

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23rd August, 2005

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. , But a reading of the notice impugned passed in this writ petition would clearly goes to show that the respondents have not considered the explanation submitted by the petitioner in response to the notice issued under Section 7 of the Act.

As can be seen from the record, it is apparent that the matter in question is purely civil in nature. However, in view of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondent to consider the explanation submitted by the petitioner on 12.7.2005 and pass appropriate orders, in accordance with law, within a period of three months from the date of receipt of a copy of this Order. Till then, the petitioner shall not be dispossessed from the schedule property. No costs.